

BUILDING BOARD OF REVIEW

May 22, 2008

RECORD

Notice is hereby given that the Building Board of Review will be in session in the Conference Room of the Board at 190 Dyer Street on Thursday, May 22, 2008, at 3:00, 3:30 and 4:00 P.M. when all persons interested will heard for or against the granting of the following applications seeking variances and modifications from certain Sections of the Rhode Island State Building Code:

3:00 P.M.

FELIX ORTEGA, OWNER/APPLICANT: 334 Branch Avenue also known as Lot 421 on the Tax Assessor's Plat 71, filed an application seeking relief from Tables 503-HEIGHT & AREA and 602-FIRE RESISTANCE OF EXTERIOR WALLS and Sections 706.5-CONTINUITY, 711.3-HORIZONTAL FIRERESISTANCE RATING, 903.2.7USE GROUP R, 1008.1.1-DOOR SIZE, 1009.1-STAIRWAY WIDTH, 1009.4-STAIRWAY LANDINGS, 1009.10-HANDRAILS, 1020.1-VERTICAL EXIT ENCLOSURE, 1020.1.4-EXIT ENCLOUSRE EXTERIOR WALL, 1205.2-NATURAL LIGHT, 1203.4.1-VENTILATION AREA REQUIRED and 3404.5-OPENING PROTECTIVES in the proposed change in the use of the building from a doctor's office and

one dwelling unit to three dwelling units only. The applicant is requesting relief from regulations governing fire resistance ratings; automatic sprinkler systems, whereby the applicant proposes not to provide same; door sizes; stairway width and landings; handrails; vertical exit enclosure (fire barrier); light and ventilation; and exterior wall opening protectives.

Ramzi Loqa, consulting engineer, sworn

Felix Ortega, owner, sworn

No Objectors

When this matter was considered on motion by Mr. Blackall and seconded by Ms. Thornton, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Tables 503 and 602 and Sections 706.5, 711.3, 903.2.7, 1008.1.1, 1009.1, 1009.4, 1009.10, 1020.1, 1020.1.4, 1205.2, 1203.4.1 and 3404.5 under the Rhode Island State Building Code, with the following conditions:

1. Provide sprinkler heads on both sides of stairway exit doors to be tied into the domestic water system; and

- 2. Third floor egress windows be installed; and**
- 3. New exterior fire escape stairway will be installed serving the second and third floors; and**
- 4. No occupancy in the basement; and**
- 5. Enclose boiler room with one hour fire rated construction with a 45 minute fire door; and**
- 6. Three electric meters be installed one for each dwelling unit and upgrade electrical service to code;**

and in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or his representative.

WHEELER SCHOOL, OWNER/APPLICANT: 216 Hope Street also known as Lot 289 on the Tax Assessor's Plat 13, filed an application seeking relief from Table 503-ALLOWABLE HEIGHT AND BUILDING AREAS and Sections 705.6.1(2)-OPENINGS, 1010.2-RAMP SLOPE and 1010.8-HANDRAILS in the proposed construction of a two-story addition to the existing four-story building (Hope Building) to be used for a dining hall, student activities and classrooms. The applicant is requesting relief from regulations governing fire resistance ratings; openings in roofs within 10 feet of a firewall; and ramp slope and handrails. The addition will be fully fire sprinklered and fully alarmed.

Ramzi Loqa, consulting engineer, sworn

Jason Powers with Wheeler School, sworn

Gary Espisito with Wheeler School, sworn

No objectors.

When this matter was considered on motion by Mr. Blackall and seconded by Mr. Bartel, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Table 305 and Sections 705.6.1, 1010.2 and 1010.8 under the Rhode Island State Building Code in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

RHODE ISLAND SCHOOL OF DESIGN, OWNER/APPLICANT:

Property bounded by 11-21 Waterman Street, 214-234 Benefit Street, 2 College Hill and 20 Market Square (Chace Center) also known as Lot 475 on the Tax Assessor's Plat 12, filed an application seeking relief from Section 1008.1.8.7-PROHIBITS LOCKING OF INTERIOR EGRESS STAIRWAY DOORS in the proposed construction of a new, six-story,

approximately 10,000 square foot (footprint) building to contain a museum, auditorium, classrooms and offices. The applicant is requesting relief from regulations governing locking devices at interior egress stairway doors.

Paul Mullen, with RISD, sworn

Chris Lynch, Fire Protection Consultant, sworn

No Objectors.

When this matter was considered on motion by Mr. Blackall and seconded by Ms. Thornton, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Section 1008.1.8.7 under the Rhode Island State Building Code in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

RHODE ISLAND HOSPITAL, OWNER/APPLICANT: 62 Dudley Street also known as Lot 626 on the Tax Assessor's Plat 46, filed an

application seeking relief from Sections 412.5.4-MEANS OF EGRESS, 412.5.5-ROOFTOP HELIPORTS AND HELISTOPS and 1019.1.2-HELISTOPS in the proposed construction of a “Helistop” (helicopter landing area) on the roof of the existing hospital. The applicant is requesting relief from regulations governing means of egress from landing areas; location of means of egress; and required exits.

Mr. Charles Olmstead with/Lifespan

Keith Glacin, with RI Hospital

Pat Cull, with RI Hospital

David Rodio, Plan Examiner with the Department of Inspection and Standards

All Sworn

When this matter was considered on motion by Mr. Blackall and seconded by Ms. Thornton, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Sections 412.5.4, 412.5.5 and 1019.1.2 under the Rhode Island State Building Code and in accordance with the specifications and plans presented by the Applicant and made a part of this record.

A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

3:30 P.M.

ANDREW MITRELIS, OWNER/APPLICANT: 242 Meeting Street also known as Lot 6 on the Tax Assessor's Plat 13, filed an application seeking relief from Sections 903.2.7-SUPPRESSION SYSTEM REQUIRED and 903.3.1.2-TYPE OF SYSTEM ALLOWED – 13R in the proposed construction of an addition to the existing building being used for one office and one dwelling unit. The addition would provide for an additional dwelling unit. The applicant is requesting relief from regulations governing fire suppression systems and seeks not to provide a sprinkler system.

Mark Rapp, AIA

Andrew Mitrelis, Owner

David Rodio, Plan Examiner with the Department of Inspection and Standards

All sworn

No objectors.

When this matter was considered on motion by Mr. Blackall and

seconded by Mr. Bartel, the following Resoluiotn was adopted:

RESOLVED: That the Building Board of Review does hereby DENY relief from Sections 903.2.7 and 903.3.1.2 under the Rhode Island State Building Code, because of the mixed use nature of the building and the lack of fire separation between the commercial and residential units.

AGRIPINO ENCARNACION, OWNER/APPLICANT: 27-29 Somerset Street also known as Lot 43 on the Tax Assessor's Plat 23, filed an application seeking relief from Sections 711-FLOOR/CEILING ASSEMBLIES, 903.2.7-SPRINKLERS, 1009.3-TREADS AND RISERS and 1020-EGRESS STAIRWAYS in the proposed change in the use of the building from a two-family to a three-family dwelling. The applicant is requesting relief from regulations governing horizontal assemblies (fire rating); stairways (winders) and fire rating of same; and automatic sprinkler systems, whereby the applicant proposes not to provide same.

Agripino Encarnacion, owner

Michael McHugh, consultant

All sworn

No objectors.

When this matter was considered on motion by Mr. Blackall and seconded by Mr. Bartel, the following Resolution was adopted:

RESOLVED: That the Building Board of Review does hereby grant relief from Sections 711, 903.2.7, 1009.3 and 1020 under the Rhode Island State Building Code, with the following conditions:

- (1) Both stairways will be provided with a minimum of one handrail; and**
- (2) Both stairways will be provided with domestic sprinklers; and**
- (3) The basement will not be occupied;**

and in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or his representative.

Affirmative: 5

Negative: 0

PITMAN ASSOCIATES, LLC, OWNER/APPLICANT: 64-66 Pitman Street also known as Lot 78 on the Tax Assessor's Plat 14, filed an application seeking relief from Sections 903.2.7-SPRINKLERS,

1009.1-STAIRWAY WIDTH, 1009.3-RISERS EXCEED 7", 1009.3.1-WINDERS PROHIBITED, 1009.6-REAR EXTERIOR STAIR 1ST FLIGHT VERTICAL RISE 13'-6", 1013.2-GUARDS REQUIRED TO BE 42" HIGH, 1020.1-INTERIOR STAIR ENCLOSURES REQUIRED ONE HOUR RATING, 1026.2-EMERGENCY ESCAPE OPENING SIZES and 1107.7.1.1-FIRST FLOOR REQUIRED TO HAVE ACCESSIBLE ENTRANCES AND "b" TYPE UNITS in the proposed change in the use of the building from 4 offices and one dwelling unit to 5 dwelling units only. The applicant is requesting relief from regulations governing sprinkler systems; stairway width; stairway treads & risers; stairway winders; vertical rise of stairways being more than 12 feet; stairway guards; fire resistance rating of interior stairways; emergency escape opening sizes; and accessibility for the physically challenged and aged.

Michael McHugh, consultant

William DeLaney, Esq.

Thomas Andolfo, real estate expert

Ramzi Loqa, consulting engineer

All sworn

CITY OF PROVIDENCE, OWNER/APPLICANT: 41-81 Fricker Street & 58 Cranston Street also known as Lots 508 and 509 on the Tax

Assessor's Plat 29 and Lot 645 on Plat 30, filed an application seeking relief from Table 601-ROOF CONSTRUCTION FOOTNOTE "C" (SEE MARKED PLANS) and Section 2902.1-MINIMUM NUMBER OF FIXTURES (SEE MARKED PLANS) in the proposed demolition of the existing high school gymnasium and cafeteria (Central High School) and the construction of a new 223,000 square foot building to contain a new Career and Technical Education High School. The applicant is requesting relief from regulations governing the minimum number of plumbing fixtures in restrooms, and the roof construction, whereby a mezzanine floor would be located closer than 20 feet to the roof assembly.

Cathy Ellithorpe, AIA, sworn

No objectors.

When this matter was considered on motion by Mr. Bartel and seconded by Mr. DeRita, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Table 601 and Section 2902.1 under the Rhode Island State Building Code, provided that the new construction meet the

requirements of the Zoning Ordinance or approval by the Zoning Board of Review. This approved is made in accordance with the specification and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

BLUE CROSS AND BLUE SHIELD OF RHODE ISLAND, OWNER AND ANDREW GOETZE, SYMMES MAINI & McKEE ASSOCIATES, APPLICANT: 500 Exchange Street also known as Lot 102 on the Tax Assessor's Plat 19, filed an application seeking relief from Section 101- 7.4.1.6-ELEVATOR LOBBIES SHALL HAVE ACCESS TO AT LEAST ONE EXIT of the National Fire Protection Association standards and Section 1008.1.3.4 (1)(3)-ACCESS-CONTROLLED EGRESS DOORS of the International Building Code (2003) in the proposed use of the 13th floor for office space. The applicant is requesting relief from regulations governing locked doors at elevator lobbies.

Thomas Bobis, with Blue Cross and Blue Shields

No objectors.

When this matter was considered on motion by Mr. Blackall and seconded by Mr. Bartel, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Section 101- 7.4.1.6 of the National Fire Protection Association standards and Section 1008.1.3.4(1)(3) of the International Building Code (2003) under the Rhode Island State Building Code, provided that the doors unlock upon activation of water flow and/or the fire alarm system. This approval is made in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

LEOPOLDO MENDOZA, OWNER/APPLICANT: 319-321 Amherst Street also known as Lot 5 on the Tax Assessor's Plat 63, filed an application seeking relief from Tables 508.3.3-SEPARATION OF OCCUPANCIES HORIZONTAL SEPARATION NOT INDICATED and 602-EXTERIOR WALL RATING NOT INDICATED and Sections 503-HEIGHT AND AREA, 903.2.7-GROUP R SPRINKLERS, 1008.1.1-SIZE OF DOOR (REAR), 1009-STAIRWAY WIDTH, 1009.3-STAIR TREADS AND RISERS, 1009.3.1-WINDERS, 1009.10-HANDRAILS, 1012-HANDRAILS and 1607.2-FLOOR LOADS – DESIGN NOT INDICATED. The existing building originally contained a take-out restaurant and two dwelling units. The dwelling units will

remain unchanged, the applicant proposes to provide 35 seats in the restaurant and requests relief from regulations governing fire resistance ratings; sprinkler systems; door sizes; handrails; stairways: width, and treads & risers; and floor load.

Leopoldo Mendoza, owner

Michael McHugh, consultant

All sworn

No objectors.

When this matter was considered on motion by Mr. Blackall and seconded by Mr. Bartel, the following Resolution was adopted:

Affirmative: 5

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Tables 508.3.3 and 602 and Sections 503, 903.2.7, 1008.1.1, 1009, 1009.3, 1009.3.1, 1009.10, 1012 and 1607.2 under the Rhode Island State Building Code, provided that the rear door be furnished with compliant exit hardware, and that the relief granted herein is approved substantially in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this

Resolution and must be filed with the Department of Inspection and Standards by the owner or his representative.

4:00 P.M.

HOME & HOSPICE CARE OF RHODE ISLAND, OWNER/APPLICANT:

1085 North Main Street also known as Lots 577 and 578 on the Tax Assessor's Plat 73, filed an application seeking relief from Table 503-ALLOWABLE HEIGHT AND AREA and Section 707.2(2)-SHAFT ENCLOSURES REQUIRED in the proposed inclusion of hospice care within the existing nursing home. The applicant is requesting relief from regulations governing fire resistance ratings.

Ramzi Loqa, consulting engineer

Keith Dabigion, AIA

All sworn

No Objectors

When this matter was considered on motion by Mr. Blackall and seconded by Ms. Thornton, the following Resolution was adopted:

RESOLVED: That the Building Board of Review does hereby grant relief from Table 503 and Section 707.2 under the Rhode Island State Building Code and in accordance with the specifications and plans

presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

ROBERT DAY, LLC, OWNER/APPLICANT: 10 Dorrance Street (floors 2 & 3) also known as Lot 18 on the Tax Assessor's Plat 20, filed an applicant seeking relief from Sections 1014.3-COMMON PATH OF TRAVEL and 1015.2.1-REMOTENESS OF EXITS in the proposed alteration of the above-mentioned floors to be used for a health club. The applicant is requesting relief from regulations governing the common path of egress travel, and required exit access doorways.

Henry Cugno

Scott Rouisse with Summit Real Estate

All Sworn

No objectors.

When this matter was considered on motion by Mr. Blackall and seconded by Mr. DeRita, the following Resolution was adopted:

Affirmative: 4

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Sections 1014.3 and 1015.2.1 under the Rhode Island State Building Code and in accordance with the specifications and plans presented by the Applicant and made a part of this record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

This application was continued on motion by Mr. Bartel and seconded by Ms. Thornton because the applicant did not have a building permit for the change of use and a decision from the rehab board was issued.

334 Broadway, LLC: 340 Broadway also known as Lot 657 on the Tax Assessor's Plat 28; to be relieved from Sections 3409.3-Change of Occupancy, 3409.5-Alterations, 3409.6-Alterations, 3409.7-, 3409.8-Historic Buildings, 3409.8.1-Site Arrival Point, 3409.8.2-Multilevel buildings and facilities, 3409.8.3-Entrances, 3409.8.4-Toilet and bathing facilities and 3409.8.5-Ramps of the International Building Code (2003) Chapter 34 (Existing Buildings) in the proposed renovation and change in the use of the existing building being utilized as a single-family dwelling to include office space. The existing café will remain unchanged. The applicant is requesting relief from regulations governing accessibility for the physically challenged and aged.

Mark Van Noppen, for owner, sworn

No objectors.

When this matter was considered on motion by Ms. Thornton and seconded by Mr. Blackall, the following Resolution was adopted:

Affirmative: 3

Negative: 0

RESOLVED: That the Building Board of Review does hereby grant relief from Sections 3409.3, 3409.5, 3409.6, 3409.7, 3409.8, 3409.8.1, 3409.8.2, 3409.8.3, 3409.8.4 and 3409.8.5 of the International Building Code (2003) and Chapter 34 (Existing Buildings) under the Rhode Island State Building Code and in accordance with the specifications and plans presented by the Applicant and made a part of this record.

Appealed to Supreme Court.

The judge held the matter in abeyance and allowed rehab to go forward and do whatever construction is needed and once construction is done the stay goes back into affect.

**APPEAL FROM THE DECISION OF THE BUILDING OFFICIAL,
DEPARTMENT OF INSPECTION AND STANDARDS:**

APPELLANT: Jacqueline Nichols

PROPERTY OWNER: Gregory Raheb

SUBJECT PROPERTY: 371 Richmond Street, also known as Lot 404 on the Tax Assessor's Plat 21

The Building Official has issued a permit to change the existing vacant space of the structure to a restaurant. The Appellant contends that (1) authorization and consent of Appellant, who owns a portion of the building, was not obtained; (2) failure to notify Appellant prior to re-issuance of permit no. 3307/2006; failure to follow the decision of the Board in Resolution No. 5981 dated February 7, 2007, denying Building Permit Application dated April 19, 2007; failure to follow the decision of the State Board of Standards and Appeal dated March 27, 2007, denying Applicant's Application for Variance; and the Acting Building lacks authority to re-issue permit contrary to the aforementioned decision.

Matter was further continued.